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UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

JANE DOE as Guardian of J. DOE, a
minor, and in her individual capacity,

Plaintiffs,

vs.

WASHOE COUNTY SCHOOL DISTRICT,
a political subdivision of the State of Nevada,
its BOARD OF TRUSTEES, and its
SUPERINTENDENT, DR. SUSAN
ENFIELD, DOES I-XX and ROE
entities I-XX,

Defendants.

CASE NO.: 3:23-cv-00107-LRH-CSD

**STIPULATION AND ORDER TO
STAY DISCOVERY**

(FIRST REQUEST)

Plaintiffs Jane Doe as Guardian of J. Doe, a minor, and in her individual capacity
(Plaintiffs) and Defendants Washoe County School District (District), a political subdivision of
the State of Nevada, its Board of Trustees (Board), and Superintendent Dr. Susan Enfield
(collectively referred to as Defendants), hereinafter referred to collectively as the Parties, by and
though their respective counsel, and hereby stipulate and agree, pursuant to Civil Local Rules IA
6-1, IA 6-2 and 7-1, as follows:

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1 1. The Parties stipulate that discovery in this matter be stayed until the Court issues
2 a ruling on Defendants' Motion to Dismiss (ECF No. 23).

3 2. On May 5, 2023, Plaintiffs served their Complaint (ECF No. 1) upon the District
4 and Superintendent Enfield.

5 3. On May 16, 2023, the Board waived service of process for the Summons and
6 Complaint. *See* ECF No. 20.

7 4. On May 23, 2023, Defendants filed their Motion to Dismiss (ECF No. 23) seeking
8 to dismiss all of Plaintiffs' claims against Defendants as a matter of law pursuant to FRCP
9 12(b)(6) for failure to state a claim.

10 5. Plaintiffs' Opposition to Defendants' Motion to Dismiss is due June 6, 2023.

11 6. The Parties agree it is in the best interest of all Parties to await the Court's ruling
12 on Defendants' Motion to Dismiss (ECF No. 23) prior to setting discovery deadlines and incurring
13 the time and expense of written discovery and depositions, in the event the Court dismisses the
14 claims against Defendants in whole or in part.

15 7. As the Ninth Circuit has confirmed, "(t)he purpose of F.R.Civ.P. 12(b)(6) is to
16 enable defendants to challenge the legal sufficiency of complaints without subjecting themselves
17 to discovery." *Rutman Wine Co. v. E. & J. Gallo Winery*, 829 F.2d 729, 738 (9th Cir. 1987).
18 Likewise, a district court has "wide discretion in controlling discovery." *Little v. City of Seattle*,
19 863 F.2d 681, 685 (9th Cir. 1988); *see also* FRCP 26(d)(1) (describing the court's ability to limit
20 the scope of discovery). Ultimately, when deciding whether to grant a stay of discovery, a court
21 is guided by the objectives of Federal Rule of Civil Procedure 1 that ensures a "just, speedy, and
22 inexpensive determination of every action." *Schrader v. Wynn Las Vegas, LLC*, 2021 WL
23 4810324, *3 (D. Nev. Oct. 14, 2021) (quoting FRCP 1); *see also Tradebay, LLC v. eBay, Inc.*,
24 278 F.R.D. 597, 601 (D. Nev. 2011) (explaining that courts evaluating the propriety of a stay have

1 cautioned against the use of resources that may be rendered unnecessary, noting the simple, but
2 accurate principle: “Discovery is expensive”).

3 8. The Parties are in agreement that discovery is not required for the Court to decide
4 Defendants’ Motion to Dismiss. As the Court’s ruling could potentially result in dismissal of
5 some or all of the claims against District, it would be an inefficient use of resources to engage in
6 discovery prior to the Court’s ruling. *See Sibley v. U.S. Sup. Ct.*, 786 F. Supp. 2d 338, 346 (D.D.C.
7 2011) (“(I)t is well settled that discovery is generally considered inappropriate while a motion
8 that would be thoroughly dispositive of the claims in the Complaint is pending.”). As such, it is
9 within the Court’s power to grant a stay of discovery at this time.

10 9. Accordingly, the Parties, after consultation with one another, have determined it
11 would be in the best interest of all Parties to request that this Court grant a stay of discovery until
12 the Court renders a decision on Defendants’ pending Motion to Dismiss. None of the Parties
13 believe this delay will cause harm to their ability to conduct discovery in this matter, nor will it
14 cause either side to be in a worse position.

15 10. The Parties believe that, by not expending more funds or time until the Motion to
16 Dismiss is resolved, the Parties have put themselves in the best position possible to preserve
17 resources and protect their respective funds. *See* FRCP 1 and LR 1-1. The interests of litigation
18 efficiency and judicial economy are also promoted by a stay of discovery.

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11. The Parties further stipulate to delay submission of the stipulated discovery plan and discovery order for thirty (30) days after this Court files its decision on Defendants' pending Motion to Dismiss (ECF No. 23).

IT IS SO STIPULATED.

DATED this 2nd day of June, 2023.

DATED this 2nd day of June, 2023.

CHATTAH LAW GROUP

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DATED this 2nd day of June, 2023.

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ORDER

Discovery is stayed until a ruling by the District Judge on the Motion to Dismiss. If the motion is denied, the parties have twenty (20) days to submit a Stipulated Discovery Plan and Scheduling Order to the court.

IT IS SO ORDERED.

DATED: June 5, 2023.



UNITED STATES MAGISTRATE JUDGE